

# MEMORANDUM

Agenda Item No. 14(A)(1)

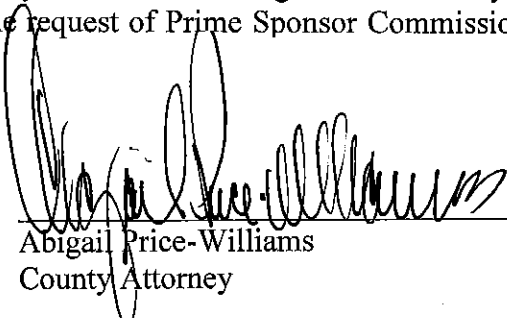
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 17, 2015

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution declaring a portion of County-owned properties located on the southeast corner of the intersection of NW 5th Street and NW 6th Avenue, the southwest corner of the intersection of NW 5th Street and NW 5th Avenue, and the northeast corner of the intersection of North River Drive and 6th Avenue as surplus; authorizing the conveyance of such properties to the City of Miami, Pursuant to Section 125.38, Florida Statutes, for \$10.00 for the purpose of a right-of-way dedication; waiving Administrative Order 8-4 as it relates to review by the Planning Advisory Board; authorizing the Chairperson or Vice-Chairperson of the Board to execute County Deed for such purpose; and authorizing the County Mayor to take all necessary steps to enforce the provisions set forth in the County Deed

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



Abigail Price-Williams  
County Attorney

APW/cp

# Memorandum



**Date:** November 17, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

**Subject:** Resolution Declaring a Portion of County-Owned Properties Located on the Southeast Corner of the Intersection of NW 5 Street and NW 6 Avenue, the Southwest Corner of the Intersection of NW 5 Street and NW 5 Avenue, and the Northeast Corner of the Intersection of North River Drive and 6 Avenue as Surplus and Authorizing the Conveyance of Such Properties to the City of Miami for a Right of Way Dedication

---

## **Recommendation**

It is recommended that the Board of County Commissioners (Board):

1. Declare a portion of County-owned properties located on the southeast corner of the intersection of NW 5 Street and NW 6 Avenue, the southwest corner of the intersection of NW 5 Street and NW 5 Avenue, and the northeast corner of the intersection of North River Drive and 6 Avenue (Properties) as surplus;
2. Authorize the conveyance of the Properties to the City of Miami (City) in the amount of \$10.00 for the purpose of a right-of-way dedication in accordance with Section 125.38, Florida Statutes;
3. Waive Administrative Order 8-4, as it relates to review by the Planning Advisory Board;
4. Authorize the Chairperson or the Vice Chairperson of the Board to execute the County Deed; and
5. Authorize the County Mayor or County Mayor's designee to take all actions necessary to enforce the provisions of set forth in the County Deed.

## **Scope**

The Properties are located in County Commission District 5, represented by Commissioner Bruno A. Barreiro.

## **Fiscal Impact/Funding Source**

There is no fiscal impact associated with the conveyance of the Properties.

## **Track Record/Monitor**

Jorge R. Cibrán, AIA, Director of Facilities and Development Division for the Public Housing and Community Development Department (Department) will monitor this project.

## **Delegation of Authority**

The authority delegated by the resolution includes authorizing the Chairperson or Vice Chairperson of the Board to execute a County Deed and the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deed, including but not limited to the County's reversionary interest.

**Background**

Pursuant to Resolution No. R-1020-12 adopted on December 2, 2012, the Board granted development rights for the Jack Orr Plaza Public Housing Development to the Related Urban Development Group or its affiliates (Developer). The City submitted a request to the Developer for the conveyance of the Properties for the purpose of achieving right of way standards turning radius for the City's Public Works.

Section 125.38, Florida Statutes, authorizes the Board to convey property to the City when it has been determined by the County that the property is not needed for County purposes and will be utilized for the benefit of the public or community interest and welfare. The sizes of the parcels at Jack Orr Plaza (134.49, 133.88 and 73.0 square feet respectively), are located within the setback requirements; therefore they cannot be developed.

The County Deed contains a restriction that states that the Properties are to be used as a right-of-way by the City and if the public use shall be discontinued, then the Properties shall revert to the County, at its option.

The Department has complied with Resolutions Nos. R-376-11 and R-333-15 as indicated below by providing detailed information on the Property, which includes information concerning the County's investment, future control, and disclosure of market values of the Property. According to the Declaration of Trust with the United States Department of Housing and Urban Development, the County obtained ownership of this property on November 1, 1973. There were no mortgages, fines, liens or other costs paid by the county in acquiring the property. Additional property details are below, and are shown in the property sketch attached to the resolution:

Folio: 01-0107-010-1110  
Address: 455 NW 6 Avenue  
Commission District: 5  
Zoning: T6-8-L

Southeast corner of the intersection of NW 5 Street and NW 6 Avenue  
Property Size: 134.49 Sq.Ft.  
Market Land Value: \$134.49

Southwest corner of the intersection of NW 5 Street and NW 5th Avenue  
Property Size: 133.88 Sq.Ft.  
Market Land Value: \$133.88

Northeast corner of the intersection of North River Drive and 6th Avenue  
Property Size: 73.0 Sq.Ft.  
Market Land Value: \$73.00



Russell Benford, Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 17, 2015

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 14(A)(1)  
11-17-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING A PORTION OF COUNTY-OWNED PROPERTIES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NW 5TH STREET AND NW 6TH AVENUE, THE SOUTHWEST CORNER OF THE INTERSECTION OF NW 5TH STREET AND NW 5TH AVENUE, AND THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH RIVER DRIVE AND 6TH AVENUE AS SURPLUS; AUTHORIZING THE CONVEYANCE OF SUCH PROPERTIES TO THE CITY OF MIAMI, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, FOR \$10.00 FOR THE PURPOSE OF A RIGHT-OF-WAY DEDICATION; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE COUNTY DEED FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED

**WHEREAS**, the Related Urban Development Group is undertaking development activities for Jack Orr Plaza public housing site ("Jack Orr Plaza") located in the City of Miami at 455 NW 6 Avenue, Miami, Florida; and

**WHEREAS**, development activities include the attainment of building permits for the subject site; and

**WHEREAS**, the City of Miami's building permit review requested right-of-way dedications pursuant to Chapter 54, Article II, Section 54-58 of the Code of the City of Miami, Florida, as a condition to issuance of permit; and

**WHEREAS**, in order to attain a building permit for Jack Orr Plaza, it is necessary that certain County-owned lands located on the on the southeast corner of the intersection of NW 5 Street and NW 6 Avenue, the southwest corner of the intersection of NW 5 Street and NW 5th Avenue, and the northeast corner of the intersection of North River Drive and 6th Avenue (the "Properties") be conveyed as a right-of-way dedication to the City of Miami; and

**WHEREAS**, the County-owned lands, specifically portions of land in section 37, Township 54 South, Range 41 East, City of Miami, Miami Dade County, Florida, are more fully described in Exhibits "A", "B", and "C" to the County Deed attached hereto as Attachment A; and

**WHEREAS**, the Board finds that pursuant to Section 125.38, Florida Statutes, that the Properties are required for such use, are not needed for County purposes, and would promote community interest and welfare; and

**WHEREAS**, this Board has reviewed and is satisfied with the information, on the Properties, which is submitted to this Board in accordance with Resolution Nos. R-376-11 and R-333-15, as set forth in the County Mayor's memorandum; and

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** This Board declares the Properties as surplus and authorizes the conveyance of such Properties to the City of Miami for \$10.00 pursuant to Section 125.38, Florida Statutes, subject to the restriction that the Properties be used by the City of Miami as a right-of-way dedication.

**Section 3.** This Board authorizes the waiver of Administrative Order 8-4 as it relates to review by the Planning Advisory Board.

**Section 4.** Pursuant to Section 125.411, Florida Statutes, this Board authorizes the Chairperson or the Vice Chairperson of the Board to execute a County Deed, in substantially the form attached hereto and made a part hereof as Attachment A.

**Section 5.** This Board authorizes the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deed.

**Section 6.** This Board directs the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, to record in the public record all deeds, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ ,  
who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_  
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as,  
to form and legal sufficiency.



Terrence A. Smith



## ATTACHMENT A

Instrument prepared by and returned to:

Terrence Smith, Esq.  
Assistant County Attorney  
111 N.W. 1<sup>st</sup> Street  
Suite 2810  
Miami, Florida 33128

Folio # 01-0107-010-1110

### **COUNTY DEED**

**THIS DEED**, made this \_\_\_\_ day of \_\_\_\_\_, 2015 A.D. by MIAMI-DADE COUNTY (the "County"), FLORIDA, a political subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street, Miami, Florida 33128-1963, and City of Miami, a body politic, party of the second part, whose address is 444 S.W. 2nd Ave, Miami, Florida 33130 (the "City"),

### **WITNESSETH:**

THAT THE SAID PARTY OF THE FIRST PART, FOR AND IN CONSIDERATION OF THE SUM OF Ten Dollars and 00/100 (\$10.00) has granted, bargained and sold to the City, its successors and assigns forever, the following described lands lying and being in Miami-Dade County, Florida:

### **LEGAL DESCRIPTIONS SEE EXHIBITS "A", "B", AND "C"**

Subject to the following restriction:

That the Properties shall be utilized as a right-of-way dedication. Failure to utilize the Properties for said purpose at any time shall result in the Properties reverting to the County, at its option, upon the County providing the City with written notice of such reversion and the County's recording of a notice in the Public Records of Miami-Dade County Florida.

This grant conveys only the interest of the County and its Board of County commissioners in the Properties herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy clerk

by: \_\_\_\_\_  
Jean Monestime, Chairperson

Approved for legal sufficiency: \_\_\_\_\_

Terrence A. Smith  
Assistant County Attorney

The foregoing was authorized by Resolution No. \_\_\_\_\_ approved by the Board of County Commissioners of Miami-Dade County, Florida on the \_\_\_\_ day of \_\_\_\_\_, 2015.

FOLIO No. 01-0107-010-1110

**EXHIBIT "A"**

**SKETCH OF LEGAL DESCRIPTION  
RIGHT-OF-WAY DEDICATION**

A portion of land in Section 37, Township 34 South, Range 41 East  
City of Miami, Miami-Dade County, Florida.

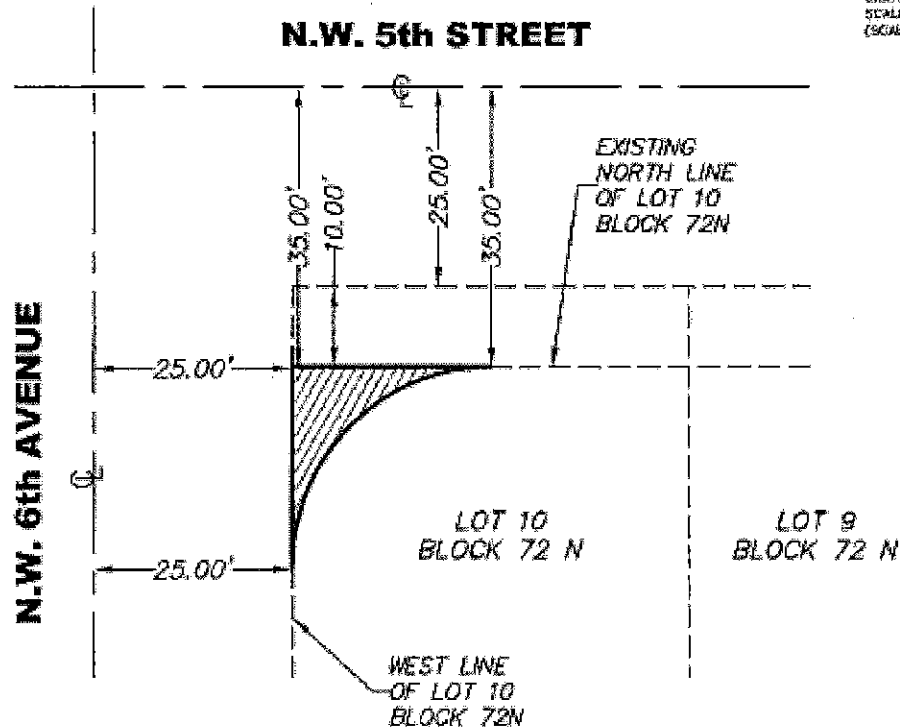
Scale 1" = 20'

For: JACK ORR PLAZA

Address: 455 N.W. 6th Avenue, Miami, FL 33136

A portion of land in Lot 10 less the North 10 feet thereof, Block 72N, MIAMI NORTH,  
according to the Plat thereof, as recorded in Plat Book 2, Page 99 of the Public Records of  
Miami-Dade County, Florida, more particularly described as follows:

The external portion of a 25 foot radius curve concave to the Northwest, tangent to the North  
and West lines of said Lot 10, as it now exists, Block 72N, containing 134.49 sq.ft. more or  
less.



GRAPHIC SCALE  
SCALE: 1"=20'  
(SCALE IN FEET)

PREPARED BY:

Date: 08 / 27 / 2016

This Sketch is not a Boundary Survey.

Not valid without the signature and the original raised seal  
of a Florida licensed surveyor and mapper.

ZONING: T6-BL

11-15246

**RENE AIGUES-VIVES**  
PROFESSIONAL SURVEYOR AND  
MAPPER No. 4327. State of Florida.

Not valid unless  
it bears the  
signature and the  
original raised  
seal of Florida  
licensed Surveyor  
and Mapper.

**Alvarez, Aiguës-Vives and Associates, Inc.**  
L.B. No. 6867  
Surveyors, Mappers and Land Planners  
5701 S.W. 107th Avenue # 204, Miami, FL 33173  
Phone 305-220-2424 Fax 305-552-8181

## EXHIBIT "B"

FOLIO No. 01-0107-010-1110

### SKETCH OF LEGAL DESCRIPTION RIGHT-OF-WAY DEDICATION

A portion of land in Section 37, Township 54 South, Range 41 East,  
City of Miami, Miami-Dade County, Florida,  
Scale 1" = 20'  
For: JACK ORR PLAZA  
Address: 455 N.W. 6th Avenue, Miami, FL 33136

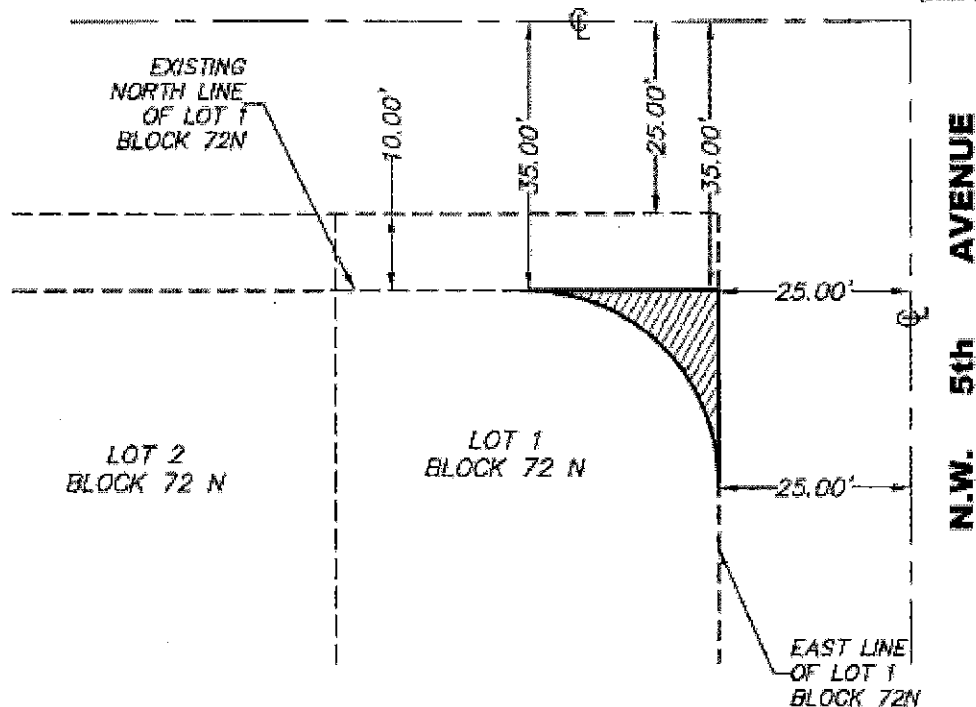
A portion of land in Lot 1 less the North 10 feet thereof, Block 72N, MIAMI NORTH,  
according to the Plat thereof, as recorded in Plat Book 2, Page 99 of the Public Records of  
Miami-Dade County, Florida, more particularly described as follows:  
The external portion of a 25 foot radius curve concave to the Northeast, tangent to the  
North and East lines of said Lot 1, as it now exists, Block 72N, containing 133.88 sq.ft.  
more or less.



0 10 20

GRAPHIC SCALE  
SCALE: 1" = 20'  
(SCALE IN FEET)

### N.W. 5th STREET



PREPARED BY:  
Date: 08 / 27 / 2015  
This Sketch is not a Boundary Survey.  
Not valid without the signature and the original raised seal  
of a Florida licensed surveyor and mapper.

ZONING: T6-B-L

11-15246

RENE AQUESVIVES  
PROFESSIONAL SURVEYOR AND  
MAPPER No. 4327, State of Florida.

Not valid unless  
it bears the  
signature and the  
original raised  
seal of Florida  
licensed Surveyor  
and Mapper.

Alvarez, Aquesvives and Associates, Inc.  
L.B. No. 8867  
Surveyors, Mappers and Land Planners  
5701 S.W. 107th Avenue # 204, Miami, FL 33173  
Phone 305-220-2424 Fax 305-552-8167

**EXHIBIT "C"**

FOLIO No. 01-0107-010-1110

**SKETCH OF LEGAL DESCRIPTION  
RIGHT-OF-WAY DEDICATION**

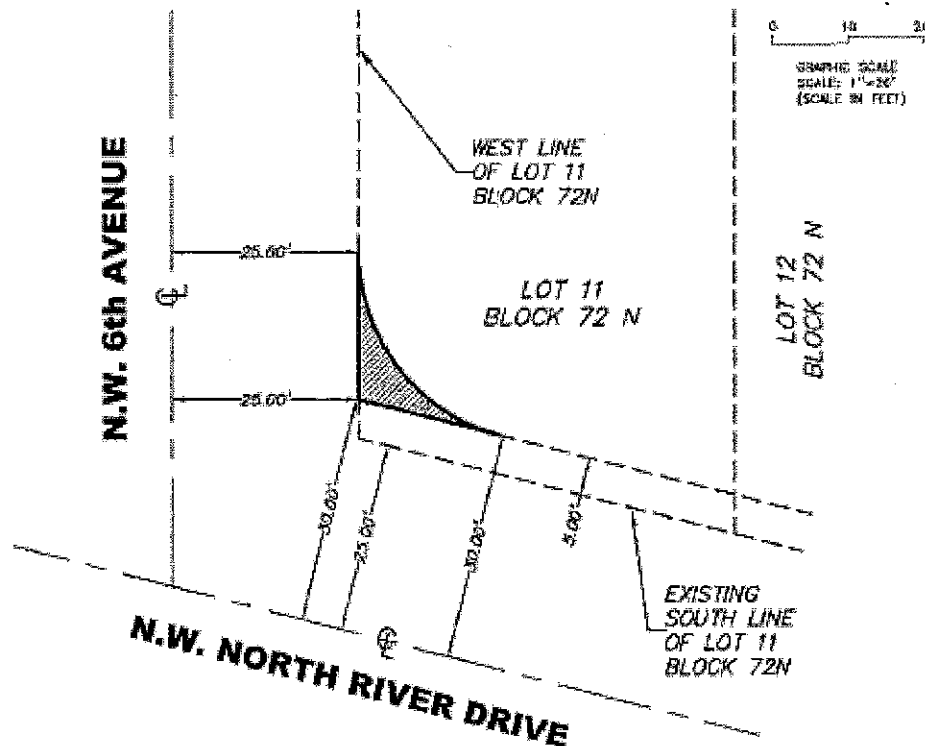
A portion of land in Section 37, Township 54 South, Range 41 East  
City of Miami, Miami-Dade County, Florida.

Scale 1" = 20'

For: JACK ORR PLAZA

Address: 455 N.W. 6th Avenue, Miami, FL 33136

A portion of land in Lot 11 less the South 5 feet thereof, Block 72N, MIAMI NORTH, according to the Plat thereof, as recorded in Plat Book 2, Page 99 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:  
The external portion of a 25 foot radius curve concave to the Southwest, tangent to the South and West lines of said Lot 11, as it now exists, Block 72N, containing 73.0 sq.ft. more or less.



PREPARED BY:

Date: 06 / 27 / 2015

This Sketch is not a Boundary Survey.

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ZONING: TB-8-L

11-15246

RENE AIGUESSIVES  
PROFESSIONAL SURVEYOR AND  
MAPPER No. 4327, State of Florida.

Not valid unless it bears the signature and the original raised seal of Florida licensed Surveyor and Mapper.

Alvarez, Aiguessives and Associates, Inc.  
L.B. No. 6867  
Surveyors, Mappers and Land Planners  
5701 S.W. 107th Avenue # 204, Miami, FL 33173  
Phone 305-220-2424 Fax 305-552-8181